CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA

MAY 10 2007

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JOHN F. CORCORAN, CLERI BY: HMC COASS

JEROME MOORE,	DEPOTT CLERK
Petitioner,	Civil Action No. 7:06CV00515
)	
)	
v.)	<u>ORDER</u>
)	
)	
TERRY O'BRIEN,	By: Hon. Jackson L. Kiser
Respondent.	Senior United States District Judge

For the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ADJUDGED and ORDERED

that Moore's suit is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Petitioner is advised that he may appeal this decision pursuant to Fed. R. App. P. 3 and 4, by filing a notice of appeal with the court within thirty (30) days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of Court is directed to strike this matter from the active docket of the court and to send certified copies of this Order and the accompanying Memorandum Opinion to Petitioner and to counsel of record for the Respondent.

ENTER: This Way of May, 2007.

Hon. Jackson L. Kiser

Senior United States District Judge